IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

FRIDAY, THE EIGHTEENTH DAY OF JUNE
TWO THOUSAND AND FOUR

:PRESENT:
THE HON'BLE MR JUSTICE A.GOPAL REDDY
WRIT PETITION NO : 11353 of 1999

Between:

1. K.Ramadevi W/o late Kotagiri Laxman Rao, aged about 55 years, R/o Teacher's Qr.No.11, Babu Cam0, Kothagudem,Khammam District.

2. K.Sailaja W/o B.Laxmanamurthy, aged about 35 years, R/o Teachers' Qr.No.11, Babu Gamp, Kothagudem, Khammam District.

..... PETITIONERS

AND

Special Deputy Collector (TW)
Paloncha, Khammam District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ or direction more particularly one in the nature of writ of certiorari and call for the records relating to and connected with LTR Case No. 29/96/MKP dated 25-12-1996 and the consequential ejectment order dated 25-12-1996 of the respondent and quash the same.

Advocate for Petitioners: Sri P.Satyaraja Babu, Advocate

Advocate for Respondent: G.P. for Social Welfare
ORDER

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO. 11353 OF 1999

DATED 18TH DAYOF JUNE 2004

ORDER:

In this writ petition, the petitioners seek a writ of Certiorari to call for the records in LTR Case No.29/96/NKP dt. 25-12-1996 and to quash the same.

The case of the petitioners is that the husband of the petitioner No.1 purchased the land admeasuring Ac.6.13 guntas situate in Survey No. 350 of Mulakalapalli village and Mandal, Khammam District on 20-12-1968 from one Mekala Venkateswarly under a registered sale deed. The said sale deed was impounded by collecting necessary stamp duty and penalty by the Revenue Divisional Officer, Paloncha through his proceedings dated 30-11-1994. While so, the ejectment order passed in LRT Case No. 29/96/MKP dated 25-12-1996 was served on the petitioner on 16-5-1999 by the Mandal Revenue Inspector. The said enjectment order was passed without any notice and without conducting any enquiry and that too on a public holiday, which is arbitrary and illegal and the same is liable to be set-aside.

In the counter-affidavit filed by the respondent, it is admitted that the orders were passed on 25-12-1996. It is further stated that to the notice issued in Form 'E' and subsequent notices, the petitioners neither appeared nor produced any documentary evidence to prove their possession over the suit land, which resulted in passing the impugned ejectment order.

I see sufficient force in the submission made by the learned counsel for the petitioners that order cannot be passed on a public holiday ie., 25-12-1996 ie., Christmas In view of the same, the impugned order is liable to be set aside.

In view of the same, the writ petition is allowed and the ejectment order passed by the respondent dt. 25-12-1996 is set-aside, and the matter is remitted to the respondent with a direction to conduct fresh enquiry after due notice to the concerned parties, by permitting the petitioners to file their objections treating the impugned order as notice on or before 19-7-2004. On filing such objections, the respondent shall provide an opportunity to the petitioners and pass appropriate orders.

That Rule Nisi has been made absolute as above.

Witness the HON'BLE SRI DEVINDER GUPTA, The Chief Justice

On this the Friday the Eighteenth day of June, Two thousand and four

ASSISTANT REGISTRAR

// TRUE COPY /

SECTION OFFICER

To
1. Special Deputy Collector (TW)
Paloncha, Khammam District.

2. 2 CC to G.P. Social Welfare.High Court of A.P
   Hyderabad (OUT)
3. 2 CD copies.

Note: Issue CC in one week

(BO)

kvrm/kmr